

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION)	MDL 2804
OPIATE LITIGATION)	
)	Case No. 1:17-md-2804-DAP
This document relates to:)	
)	Judge Dan Aaron Polster
<i>State of Alabama v. Purdue Pharma LP, et al.</i>)	
Case No. 1:18-OP-45236-DAP (N.D. Ohio))	

MOTION FOR RELEASE OF PLAINTIFF FACT SHEETS

Plaintiff, the State of Alabama, (“Alabama” or “the State”) hereby moves this Honorable Court for an Order releasing Plaintiff Fact Sheets (“PFS”) that have been filed (or will be filed) in MDL 2804 pursuant to the Court’s previous Implementation Order (Doc. 638). Plaintiff respectfully requests the Court either release the PFS to the State of Alabama and permit distribution to other interested state attorneys general, or release the PFS to each attorney general directly. In further support, Alabama states as follows:

As the Court is aware, along with the progression of local bellwether trials, the parties to MDL 2804 have sought to determine the overall breadth of participants in the litigation, including the potential value of those claims. Part of that analysis involves assessing information about local entity claims pending in litigation for potential settlement negotiations and allocation. The PFSs, as ordered by the Court, contain important information that could prove vital to settlement negotiations and allocation, including: the range of entities in this litigation, their geographic locations (which is pertinent to both the crisis and corresponding applicable law), the types of claims and damages sought, the extent of those damages, annual budgets and expenditures for key departments, and other pertinent information. (*See* Doc. 638-1). This information should be shared with the states, as it will likely help foster settlement negotiations and in determining an allocation of settlement funds.

The Court has wide discretion to manage MDL pre-trial matters, and the Court has previously exercised that discretion to release important information related to the DEA's ARCOS database. *See Order Regarding ARCOS Data*, Doc. 233 at 15 n.8 (recognizing that “[d]etailed ARCOS data is relevant not only to prove culpability but also possibly for the purposes of allocation of settlement funds”). As the Court has acknowledged, where information proved to be “extremely informative” and assisted the parties in advancing “both the litigation and settlement tracks of the MDL,” the information should be released. *Second Order Regarding ARCOS Data*, Doc. 397 at 1-2. We believe the release of local entity PFSs will similarly benefit the parties as the ARCOS data release did.

WHEREFORE, PREMISES CONSIDERED, the State of Alabama respectfully requests that this Honorable Court enter an order releasing the local entity PFSs to the respective state attorneys general; or, in the alternative, enter an order releasing local entity PFSs to Alabama with the permission to share them with other interested state attorneys general. We attach Exhibits A and B, proposed orders, for the Court's convenience.

Respectfully submitted,

Steve Marshall
Attorney General

By:

/s/ Rhon E. Jones
Rhon E. Jones
Deputy Attorney General

Joshua P. Hayes
Deputy Attorney General

Attorneys for Plaintiff, State of Alabama

ADDRESS OF COUNSEL:

Steve Marshall
Attorney General

Corey L. Maze
Special Deputy Attorney General

Winfield J. Sinclair
Assistant Attorney General

Michael G. Dean
Assistant Attorney General

Office of the Attorney General of Alabama
501 Washington Avenue
Montgomery, AL 36130
Phone: (334) 242-7300
Fax: (334) 242-4891
cmaze@ago.state.al.us
wsinclair@ago.state.al.us
mdean@ago.state.al.us

OF COUNSEL:

Jere L. Beasley – ASB 1981A35J
Rhon E. Jones – ASB 7747E52R
Richard D. Stratton – ASB 3939T76R
Jeffrey D. Price – ASB 8190F60P
J. Ryan Kral – ASB 9669N70K
J. Parker Miller – ASB 7363H53M
**Beasley, Allen, Crow, Methvin,
Portis & Miles, P.C.**
218 Commerce Street
Post Office Box 4160 (36103-4160)
Montgomery, Alabama 36104
Telephone: (334) 269-2343
Fax: (334) 954-7555
Jere.Beasley@BeasleyAllen.com
Rhon.Jones@BeasleyAllen.com
Rick.Stratton@BeasleyAllen.com
William.Sutton@BeasleyAllen.com
Ryan.Kral@BeasleyAllen.com
Parker.Miller @BeasleyAllen.com

Robert F. Prince – ASB-2570-C56R
Joshua P. Hayes – ASB-4868-H68H

Prince, Glover & Hayes
1 Cypress Point
701 Rice Mine Road North
Tuscaloosa, Alabama 35406
Telephone: (205) 345-1234
Fax: (205) 752-6313
rprince@princelaw.net
jhayes@princelaw.net

CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2019, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtain through, the Court CM/ECF Systems.

/s/ Rhon E. Jones
OF COUNSEL